IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1785 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SADHI AGRO CONSUMERS SANSTHA

Versus

I.B.P.CO. LTD

Appearance:

MR MEHUL SHARAD SHAH for Petitioner

MS SHAH for MR GN SHAH for Respondent

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 07/04/2000

ORAL JUDGEMENT

The petitioner herein claims to be a registered Society. It applied to the respondent for availing the benefit of securing dealership for High Speed Diesel and effecting sale thereof by installing a "Consumer Pump"

upon the land belonging to the petitioner. The petitioner's case is that it had been decided to allot the consumer pump to the petitioner at Mehsana-Visnagar Road, Mehsana, subject to other formalities to be complied with by the petitioner in due course in terms of the letter dated 11th September 1995 addressed to the petitioner by the respondent. The petitioner secured the requisite permission from all concerned authorities as set out in the said letter. Later on, it was required of the petitioner that the petitioner must obtain the licence for retain outlet also. The petitioner represented that the no objection permission had been obtained and the retail outlet licence shall also be obtained in the near future, but this representation was rejected on 11th November 1999. The petitioner then obtained the said licence for retail outlet being Licence No.550 of 2000 on 14th March 2000 and thereafter filed the present petition on 15th March 2000 seeking a direction against the respondent to resume supply of the High Speed Diesel to the Consumer Pump belonging to the petitioner.

2. On 22nd March 2000, the Rule and notice as to interim relief was issued. Ms.Shah has appeared on behalf of the respondent and it has been submitted that subject to the conditions and the undertaking to be given by the petitioner, the respondent is prepared to resume supply of the High Speed Diesel to the petitioner's Consumer Pump.

3. Learned Counsel for the petitioner submits that the petitioner is ready to comply with and undertakes to abide by the conditions which are as under:

(1) Consumer Pump must execute consumer pump agreement as per the standard format. In case, it is not done within one month, it will not be entitled to supply of petroleum products from the concerned Oil Company and the concerned Oil Company will not supply petroleum products to the consumer.

(2) The consumer pump which is public trust will be converted into cooperative society within two months, failing which it will not be entitled to any supplies of petroleum products and the concerned Oil Company will not supply petroleum products to the consumer pump till such conversion takes place.

(3) The consumer pump will give an undertaking to the

High Court to the following effect:

(i) It will take only genuine agriculturists, farmers as members and petroleum products will be sold to them only.

(ii) The consumer pump will, if required by the concerned Oil Company, change the layout format/get up of the consumer pump, if so desired by the concerned Oil Company, to distinguish it from a retail outlet.

(4) In the event of breach of any of the conditions, the concerned consumer pump will not be entitled to the supply of petroleum products. The concerned Oil Company will not supply petroleum products pending an inquiry into the breach of the conditions committed by the consumer pump.

(5) The consumer pump which, though sanctioned, has not been commissioned, will be commissioned by the concerned Oil Company after the receipt of the approval from the appropriate authority.

4. The petitioner shall file an undertaking in the above terms in the Registry of this Court within a period of two weeks from today, i.e. on or before 21st April 2000 and subject to the fulfillment of these conditions and the undertaking to be filed by the petitioner, it is directed at the instance of both the sides that the supply of the High Speed Diesel to the petitioner's society shall be resumed. This Special Civil Application is decided in terms as aforesaid and the Rule is made absolute accordingly.

(M.R. Calla, J.)

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